

Relating to the financing of election campaigns.

Ordinance No. 107772

AN ORDINANCE relating to municipal elections; providing for the limitation of contributions to and expenditures for municipal election campaigns and establishing a system of partial financing for public election campaigns; amending Sections 2, 15 and 21 of Ordinance 106653 (Fair Campaign Practices Ordinance) and adding thereto new sections 13-A, 13-B, 13-C, 13-D, 13-E, 13-F, 13-G, 13-H, 13-I, 13-J, 13-K, 13-L and 13-M.

11/1/78 pass

Council Bill No. 998772

INTRODUCED OCT 30 1978	BY EXECUTIVE REQUEST
REFERRED OCT 30 1978	TO SPECIAL COMMITTEE ON CAMPAIGN FINANCING
REPORTED NOV 6 1978	SECOND READING NOV 6 1978
THIRD READING NOV 6 1978	SIGNED NOV 6 1978
PRESENTED TO MAYOR NOV 7 1978	APPROVED NOV 7 1978
SENT TO CITY CLERK NOV 7 1978	PUBLISHED
VETOED BY MAYOR	VETO PUBLISHED
PASSED OVER VETO	VETO SUSTAINED
ENGROSSED	BY
VOL. PAGE	

See Back Cover

14

- Ord 101918 - Amends Fair Campaign Practices Ord. to limit individual political contributions to groups.
- Ord 108130 - Amending Sec 13-J of Fair Campaign Practices Ord. (106653) to provide expenditure authrty from Election Campaign Acct to the Elections Administrator.
- C.F. 290471 - Documents on Seattle City Council deliberations regarding the Campaign Financing Ordinance.

Roll call vote below:

<i>yes - Rexelle</i>	<i>Smith - yes</i>	<i>- E. Lee, Admin.</i>
<i>no - Benson</i>	<i>Williams - yes</i>	<i>Vegis</i>
<i>yes - Hildt</i>	<i>Krabel - no</i>	<i>Mayor</i>
<i>yes - Sitonga</i>		<i>Doug Jewett</i>
<i>yes - Miller</i>		<i>LEK</i>
<i>no - Hill</i>		<i>Fraser</i>

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ORDINANCE 107772

AN ORDINANCE relating to municipal elections; providing for the limitation of contributions to and expenditures for municipal election campaigns and establishing a system of partial financing for public election campaigns; amending Sections 2, 16 and 21 of Ordinance 106653 (Fair Campaign Practices Ordinance) and adding thereto new sections 13-A, 13-B, 13-C, 13-D, 13-E, 13-F, 13-G, 13-H, 13-I, 13-J, 13-K, 13-L and 13-M.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Ordinance 106653 is amended by adding thereto thirteen new sections designated 13-A through 13-M as follows:

Section 13-A. FINDINGS OF FACT. The City finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for Mayor, City Council, City Attorney, City Comptroller and City Treasurer.

The City finds that, in the interest of the public health, safety and welfare, the municipal election process and municipal government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for Mayor, City Council, City Attorney, City Comptroller and City Treasurer.

The City therefore finds that limitations on contributions of money, services and materials by individuals or groups to municipal election campaigns should be imposed by law to protect the public health, safety and welfare. These limitations, however, should be reasonable, so as not to discourage personal expression.

Section 13-B. APPLICATION. These Sections 13-A through 13-M apply only to candidates in any primary, general or special election for the offices of Mayor, City Council, City Attorney, City Comptroller and City Treasurer of the City of Seattle.

Section 13-C. CONTRIBUTIONS LIMITED.

(a) No person shall make a contribution of more than Two Hundred Fifty Dollars (\$250) to any candidate for Mayor, City Council, City Attorney, City Comptroller, or City Treasurer, in any campaign year; Provided, a group of ten or more individuals may contribute up to Five Hundred Dollars (\$500) to any candidate for

1 Mayor, City Council, City Attorney, City Comptroller, or City Treasurer, in the
2 name of such group; Provided further, that no individual member of such group
3 shall contribute more than Two Hundred Fifty Dollars (\$250) toward the group
4 contribution, nor an aggregate amount of more than Two Hundred Fifty Dollars
5 (\$250) to any candidate whether through a group contribution or a personal
6 contribution.

7 (b) No candidate for Mayor, City Council, City Attorney, City Comptroller,
8 or City Treasurer shall accept or receive a campaign contribution of more than
9 Two Hundred Fifty Dollars (\$250) from any person or more than Five Hundred
10 Dollars (\$500) from any group of ten or more individuals in any campaign year;
11 provided,

12 (1) The limitations imposed by this section shall not apply to a candi-
13 date's contributions of his/her own resources to his/her own campaign; the limi-
14 tations imposed by this section shall apply to the contributions of all others; and

15 (2) The limitations imposed by this section shall not apply to inde-
16 pendent expenditures as defined by this ordinance; and

17 (3) The limitations imposed by this section shall not apply to the
18 value of in-kind labor.

19 Section 13-D. FINDINGS OF FACT. The City finds it is in the public
20 interest to encourage the widest participation of the public in the electoral pro-
21 cess, to reduce the dependence of candidates on large contributions, and to in-
22 crease public knowledge of the candidates and of election issues.

23 The City finds that it is in the public interest to free candidates from the
24 time expended in raising funds in order to increase the time available to the can-
25 didate for the discussion of public issues.

26 The City finds that voluntary campaign expenditure limitations coupled with
27 provisions of public funds for campaign purposes are necessary to further these
28 public interests at a reasonable cost to the City and that such a program should be
established.

Section 13-E. CAMPAIGN CONTRACT.

(a) A candidate for Mayor, City Council, City Attorney, City Comptroller

42

1 or City Treasurer of the City may sign a contract with the City agreeing to abide
2 by limitations on candidates' contributions, limitations on campaign expenditures,
3 and limitations on the use of all contributions, as specified in this chapter in
4 exchange for public matching funds.

5 (b) The campaign contract must be signed by the individual candidate either
6 within thirty (30) days after the individual becomes a candidate as defined in
7 RCH 42.17.020, or at the time of filing for said office, whichever is earlier.

8 Section 13-F. CANDIDATES' CONTRIBUTION LIMITATIONS. A candidate who signs
9 a campaign contract shall make no contributions to his/her own campaign or political
10 committee which in the aggregate exceeds One Thousand Dollars (\$1,000) in any
11 campaign year.

12 Section 13-G. EXPENDITURE LIMITATIONS.

13 (a) A candidate who signs a campaign contract in accordance with Section 13-E,
14 shall not, during the campaign year, make expenditures exceeding the aggregate amount
15 of One Hundred Fifty Thousand Dollars (\$150,000) for the office of Mayor or Fifty
16 Thousand Dollars (\$50,000) for the offices of the City Council, City Attorney, City
17 Comptroller and City Treasurer; Provided, that no more than seventy-five percent
18 (75%) of the applicable expenditure limitation shall be spent through the day of
19 the primary election.

20 Independent expenditures, as defined by this ordinance shall not be included
21 in the computation of a candidate's expenditures.

22 Section 13-H. ELIGIBILITY REQUIREMENTS.

23 (a) To be eligible to receive public matching funds, a candidate for Mayor,
24 City Council, City Attorney, City Comptroller or City Treasurer must meet the
25 requirements of the City Charter; and during the campaign year,

26 (1) for the office of Mayor either (a) receive Twenty Thousand Dollars
27 (\$20,000) from at least one hundred (100) contributors or (b) receive three
28 hundred (300) contributions of Ten Dollars (\$10) or more;

(2) for the offices of City Council, City Attorney, City Comptroller
or City Treasurer either (a) receive Seventy-five Hundred Dollars (\$7,500) from at
least one hundred (100) contributors, or (b) receive two hundred (200) contributions
of Ten Dollars (\$10) or more.

43

1 (b) For purposes of establishing eligibility under this section, only those
2 contributions received from residents of the City of Seattle shall be counted
3 toward the requirement.

4 (c) Candidates must submit evidence of meeting the eligibility requirements
5 of this section to the Office of Election Administration for verification.
6 Upon verification of eligibility, a candidate who has signed a campaign contract
7 shall be eligible to receive public matching funds; Provided, that no such funds
8 shall be disbursed to any qualified candidate prior to January 1 of the
9 applicable campaign year; and Provided further, that any candidate who receives
10 public matching funds and later fails to file for public office or withdraws his/her
11 candidacy after filing shall return to the Election Campaign Account an amount
12 equal to the public funds disbursed to that candidate.

13 Section 13-I. PUBLIC MATCHING FUNDS.

14 (a) A candidate who has met the eligibility requirements for public matching
15 funds and who has signed a campaign contract shall be entitled to receive one
16 dollar in public matching funds for each dollar received from any individual to a
17 maximum of \$50 per individual, Provided, that neither loans nor the transfers of
18 anything of value other than money to the candidate or his/her political committee
19 shall be matched with public funds.

20 (b) A candidate who signs a campaign contract shall be eligible to receive
21 public matching funds even if his/her opponent has not signed a campaign contract.

22 (c) A candidate who has signed a campaign contract is eligible to receive
23 public matching funds until it is determined that such candidate has no opponent
24 at the close of the filing period or after the primary election as provided by
25 law. For purposes of this section, a write-in candidate shall not be considered
26 an opponent.

27 (d) If following the election wherein the candidate is elected or defeated, the
28 candidate has unexpended campaign funds, one-half of such surplus shall be returned
to the Election Campaign Account within ten days of certification of the election.

(e) A candidate who has signed a campaign contract may void his/her contract
within 15 days after the close of filing, Provided, an opponent of that candidate
does not enter into a campaign contract pursuant to this ordinance; and Provided
further, that the candidate returns all public funds received pursuant to this
ordinance.

Section 13-J. FUNDING.

(a) There is hereby established an Election Campaign Account in the Gen-

44

1 eral Fund into which shall be deposited such sums as may be appropriated from time
2 to time in the annual budget, gifts and donations made to the City for the support
3 of public election campaign financing, and such sums as may otherwise be appropriated
4 to said account. Money in said account shall be expended from time to time for the
5 purpose of partially financing public election campaigns.

6 (b) The Office of Election Administration may encourage and accept contri-
7 butions to the Election Campaign Account. These contributions may be accepted
8 at any time without limitation as to the amount.

9 Section 13-K. PERMITTED USE OF PUBLIC MATCHING FUNDS. Public matching funds
10 may be expended only for the receiving candidate's direct campaign purposes such
11 as, but not limited to, purchasing campaign literature or media space or time,
12 mailings, renting campaign headquarters, or paying for campaign headquarter telephones.
13 A candidate who signs a campaign contract may use neither contributions nor public
14 matching funds for indirect campaign purposes such as, but not limited to, providing
15 a candidate's personal support, or for donation to another's campaign. Permissibility
16 of an expenditure of public matching funds shall be determined by the Administrator
17 of the Office of Election Administration.

18 Section 13-L. TRANSITION. Candidates who receive contributions between
19 November 7, 1978, and January 1, 1979, and who wish to receive public matching
20 funds may apply such 1978 contributions toward meeting eligibility requirements for
21 public matching funds as though such funds were received in 1979; provided, that no
22 such contribution from an individual shall be deemed to have exceeded Two Hundred
23 Fifty Dollars (\$250), and no such contribution from a group shall be deemed to
24 have exceeded Five Hundred Dollars (\$500).

25 A candidate who wishes to qualify for public matching funds and who has con-
26 tributed more than \$1,000 of his/her own funds to his/her own 1979 campaign
27 between November 7, 1978, and January 1, 1979, may qualify only upon removing the
28 excess over \$1,000 of his/her own funds from his/her campaign fund, as well as
otherwise complying with the terms of this ordinance.

Section 13-M. As of November 15, 1982, Section 13-A through 13-M of this ordinance
are hereby repealed. On July 1, 1982, the Seattle City Council shall initiate
review of the operation of Sections 13-A through 13-M hereof and shall

1 determine whether or not these sections have effectively served the public
2 purposes expressed therein.

3 Section 2. Section 2 of Ordinance 106653 is amended as follows:

4 Section 2. DEFINITIONS. ((a)) "Administrative Code" means the Adminis-
5 trative Code of The City of Seattle, Ordinance 102228 as amended.

6 ((b)) "Administrator" means the Administrator of the Office of Election
7 Administration of The City of Seattle.

8 ((c)) "Agency" means all offices, boards, departments, divisions, commissions
9 and similar subdivisions of The City of Seattle.

10 ((d)) "Ballot proposition" means any measure, question, initiative, referen-
11 dum, recall, or charter amendment submitted to, or proposed for submission to the
12 voters of the City.

13 ((e)) "Campaign depository" means a bank designated by a candidate or
14 political committee pursuant to Section 4 of this ordinance.

15 ((f)) "Campaign treasurer" and "deputy campaign treasurer" mean the in-
16 dividuals appointed by a candidate or political committee, pursuant to Section 4 of
17 this ordinance, to perform the duties specified in this ordinance.

18 "Campaign year" means that period beginning twelve (12) months before the
19 general election and ending when a campaign is officially closed, as determined by
20 the Office of Election Administration.

21 ((g)) "Candidate" means any individual who seeks election to public office in
22 The City of Seattle, whether or not successfully. An individual shall be deemed to
23 seek election when he or she first:

24 (1) Receives contributions or makes expenditures or reserves space or
25 facilities with intent to promote his or her candidacy for office; or

26 (2) Announced publicly or files for office.

27 ((h)) "Charter" means the Charter of The City of Seattle.

28 "City" means The City of Seattle.

((i)) "Commercial advertiser" means any person who sells the service of
communicating messages or producing printed material for broadcast or distribu-
tion to the general public or segments of the general public whether through the

1 use of newspapers, magazines, television or radio stations, billboard companies,
2 direct mail advertising companies, printing companies, or otherwise.

3 ((j)) "Continuing political committee" means a political committee which is
4 an organization of continuing existence not established in anticipation of any
5 particular election.

6 ((k)) "Contribution" means a loan, loan guarantee, gift, deposit, subscription,
7 forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds
8 between political committees, or transfer of anything of value, including personal
9 and professional services, for less than full consideration, but does not include
10 interest on monies deposited in a political committee's account, ordinary home
11 hospitality, the rendering of "part time" personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses not in excess of
13 Twenty-five Dollars (\$25.00) personally paid for by a volunteer campaign worker.
14 For the purposes of this ordinance, the term "part time personal services" means
15 services in addition to regular full time employment or, in the case of an
16 unemployed person, services not in excess of twenty hours per week, excluding
17 weekends. For the purposes of this ordinance, contributions other than money or
18 its equivalents shall be deemed to have a money value equivalent to the fair market
19 value of the contribution. Sums paid for tickets to fund-raising events such as
20 dinners and parties are contributions; however, the amount of any such contribution
21 may be reduced for the purpose of complying with the reporting requirements of
22 this ordinance by the actual cost of consumables furnished in connection with the
23 purchase of such tickets, and only the excess over actual cost of such consumables
24 shall be deemed a contribution.

25 ((l)) "Elected official" means any person elected at a general or special
26 election to any public office of The City of Seattle and any person appointed to fill
27 a vacancy in any such office.

28 ((m)) "Election" includes any primary, general, or special election for public
office by The City of Seattle or any election in which a ballot proposition is sub-
mitted to the voters of the City; Provided, that an election in which the qualifica-
tions for voting include requirements other than those set forth in Article VI,

1 Section 1 (Amendment 63) of the Constitution of the State of Washington shall not
2 be considered an election for purposes of this ordinance.

3 ((n)) "Election campaign" means any campaign in support of or in opposition
4 to a candidate for election to public office of The City of Seattle and any campaign
5 in support of, or in opposition to, a ballot proposition.

6 ((o)) "Expenditure" means a payment, contribution, subscription, distribution,
7 loan, advance, deposit, or gift of money or anything of value, and includes a
8 contract, promise, or agreement, whether or not legally enforceable, to make an
9 expenditure. The term "expenditure" also includes a promise to pay; and a payment
10 or transfer of anything of value in exchange for goods, services, property,
11 facilities, or anything of value for the purpose of assisting, benefiting, or honoring
12 any public official or candidate, or assisting in furthering or opposing any election
13 campaign. For purposes of this ordinance, expenditures other than money or its
14 equivalent shall be deemed to have a monetary value equal to the fair market value
15 of the expenditure. The term "expenditure" shall not include: (1) the partial or
16 complete repayment by a candidate or political committee of the principal of a
17 loan, the receipt of which loan has been properly reported, or (2) payment of
18 service charges against a political committee's campaign account ~~((n))~~, or (3) the
19 value of in-kind labor, or (4) fines or any amounts returned to the Election
20 Campaign Account as a result of any penalties imposed on a candidate for violating
21 this ordinance.

22 ((p)) "Fair Campaign Practices Commission (FCPC)" means the Fair Cam-
23 paign Practices Commission established by Section 18 of this Ordinance.

24 "In-kind labor" means services provided by a person who volunteers all,
25 or a portion, of his/her time to a candidate's election campaign, and who is not paid
26 by any person for such services.

27 "Independent Expenditure" means expenditure on behalf of, or opposing
28 the election of, any candidate, when such expenditure is made independently of the
candidate, his/her political committee, or agent, and when such expenditure is
made without the prior consent, or the collusion, or the cooperation of the can-
didate or his/her agent or political committee.

1 ((q)) "Public Disclosure Commission (PDC)" means the Public Disclosure
2 Commission established by RCW 42.17.350.

3 ((r)) "Final report" means the report described as a final report in Section 9
4 of this ordinance.

5 ((s)) "Person" means an individual, partnership, joint venture, public or
6 private corporation, association, federal, state or local government entity or
7 agency however constituted, candidate, committee, political committee, political
8 party, executive committee thereof, or any other organization or group of persons,
9 however organized.

10 ((t)) "Political advertising" means any advertising displays, newspaper ads,
11 billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television
12 presentations, or other means of mass communication, used for the purpose of
13 appealing, directly or indirectly, for votes or for financial or other support in any
14 election campaign.

15 ((u)) "Political committee" means any person (except a candidate or an
16 individual dealing with his own funds or property) having the expectation of re-
17 ceiving contributions or making expenditures in support of, or opposition to, any
18 candidate or any ballot proposition.

19 ((v)) "Public office" means any elective office of The City of Seattle.

20 As used in this ordinance, the singular shall include the plural and conversely,
21 and any gender, any other, as the context requires.

22 Section 3. Section 16 of Ordinance 106653 is amended to read as follows:

23 Section 16. ADMINISTRATOR -- DUTIES THEREOF. The executive head of
24 the Office of Election Administration shall be the Administrator, whose office shall
25 not be included in the classified Civil Service. The Administrator must have had
26 employment experience as an auditor and shall be appointed by the FCPC. Each
27 Administrator shall be appointed to an initial term of one year, subject to
28 confirmation by a two-thirds vote of the members of the City Council, and may
thereafter be re-appointed to subsequent four (4) year terms subject to a like vote.
The Administrator shall be removed from that position only for cause and subject
to a two-thirds vote of the City Council. The rate of compensation for such

1 position (~~is hereby fixed and established at a maximum of \$_____ per~~
2 ~~month~~) shall be as provided by the Salary Ordinance; Provided, that no ap-
3 pointment shall be made under the authority of this section except upon the filing
4 by the Civil Service Commission as a permanent record in the office of the City
5 Comptroller of its recommendation that such office, as a professional or adminis-
6 trative office or position similar to offices and positions designated in Article XVI,
7 Section 11 of the City Charter, should not be included in the classified Civil
8 Service.

9 The Administrator of the Office of Election Administration shall be respon-
10 sible for the management of said office, may in the exercise of such duties consult
11 with the Fair Campaign Practices Commission and in that connection is authorized
12 to:

13 (a) Adopt, promulgate, amend, and rescind suitable administrative rules and
14 regulations to carry out the policies and purposes of this ordinance, which rules and
15 regulations shall be promulgated pursuant to the provisions of the Administrative
16 Code (Ordinance 102228); Provided, that administrative rules and regulations
17 adopted by the PDC shall be applicable in the construction, interpretation and
18 implementation of such provisions of this ordinance as are substantially the same as
19 provisions of Ch. 42.17 RCW;

20 (b) Relieve, by published regulations of general applicability, candidates or
21 political committees of obligations to comply with the provisions of this ordinance
22 relating to election campaign, if they have not received contributions nor made
23 expenditures of more than One Thousand Dollars (\$1,000) in connection with any
24 election campaign; and

25 (c) Require that forms developed and prepared by the PDC be utilized for
26 the reports and statements required to be made under this ordinance; Provided,
27 that whenever the Administrator determines that any such form is not reasonably
28 appropriate for the purposes of this ordinance, he may develop and provide suitable
forms as are reasonably necessary, and require such forms to be utilized for such
purposes;

(d) Encourage persons required to make reports under this ordinance to use

1 the PDC-published manual that sets forth recommended uniform methods of
2 bookkeeping and reporting;

3 (e) Compile and maintain a current list of all filed reports and statements;

4 (f) Investigate whether properly completed statements and reports have
5 been filed within the times required by this ordinance.

6 (g) Review all disclosure reports for completeness and internal consistency;

7 (h) Independently verify entries on disclosure reports and other forms
8 selected on an arithmetically random basis;

9 (i) Prepare and publish, not less than ten days before newly elected of-
10 ficers take office, a report setting forth, as to each candidate who filed a final
11 report, the amounts and sources of all contributions and the amounts and purposes
12 of all expenditures set forth in such final report; and the names and addresses of
13 any candidates who failed to file a final report or who filed an incomplete final
14 report; and prepare and publish such other reports as in his judgment will tend to
15 promote the purposes of this ordinance;

16 (j) Determine upon written complaint or upon his or her own initiative, in
17 accordance with Section 17 of this ordinance, that a violation of this ordinance has
18 occurred, and report such apparent violation to either the FCPC or the PDC;
19 provided that the Administrator shall have the authority to resolve with the person
20 who has apparently violated this ordinance, what the Administrator determines to
21 be inadvertent, de minimus violations without referring the matter to the FCPC or
22 the PDC for a hearing; provided further that the Administrator shall report
23 violations to the PDC only in the event the FCPC is unable to hear the matter.

24 (k) Have access to reports filed with the City Comptroller in accordance
25 with this ordinance and make copies thereof available at no charge for public
26 inspection with duplicates available during regular office hours at a reasonable cost
27 to the person requesting such duplicates.

28 (l) Keep, for a period of time not less than five years from the date of
filing, copies of all official reports, records and statements furnished by the City
Comptroller to the Administrator for public inspection.

(m) Review, four months prior to the beginning of any campaign year, the

1 costs of campaigning, and recommend to the City Council whether or not Sections
2 13-C through 13-I should be amended.

3 (n) Determine whether the evidence submitted by a candidate for Mayor,
4 City Council, City Attorney, City Comptroller, and City Treasurer meets the
5 eligibility requirements for receiving public matching funds.

6 (o) Accept campaign contracts from candidates for Mayor, City Council,
7 City Attorney, City Comptroller or City Treasurer.

8 (p) Monitor contributions and expenditures of candidates, and notify can-
9 didates who are close to their voluntary expenditure limitations.

10 (q) Attempt to secure grants or other sources of funding for the Election
11 Campaign Account in the General Fund.

12 Section 4. Section 21 of Ordinance 106653 is amended to read as follows:

13 Section 21. CIVIL REMEDIES AND SANCTIONS. One or more of the
14 following civil remedies and sanctions may be imposed by court order in addition to
15 any other remedies provided by law:

16 (a) If the court finds that the violation of any provision of this ordinance by
17 any candidate or political committee probably affected the outcome of any
18 election, the result of said election may be held void and a special election held
19 within sixty days of such finding. Any action to void an election shall be com-
20 menced within one year of the date of the election in question. It is intended that
21 this remedy be imposed freely in all appropriate cases to protect the right of the
22 electorate to an informed and knowledgeable vote.

23 (b) The violation or failure to comply with the provisions of Sections 3, 4,
24 5, 6, 7, 8, 9, 10, 11, 12, or 13 (regarding campaign reporting), or Section 13-C
25 (regarding contribution limitations) of this ordinance constitutes a violation subject
26 to the provisions of Chapter 12A.01 and 12A.02 of the Seattle Criminal Code, and
27 any person convicted thereof may be punished by a civil fine or forfeiture in a sum
28 not exceeding Five Hundred Dollars (\$500) per violation.

(c) Any person who fails to comply with the conditions of his/her campaign
contract shall be ineligible to receive further such funds until in compliance. Any
candidate who exceeds the expenditure limitation for which he/she has contracted

1 shall immediately return to the Election Campaign Account three
2 dollars (\$3.00) for every one dollar (\$1.00) he/she has overspent
3 in that campaign year, to a maximum amount equal to the total
4 sum of public funds he/she has received.

5 ((b)-The court may enjoin any person to prevent the doing
6 of any act herein prohibited, or to compel the performance of any
7 act required herein.

8 (c)-Any person who fails to report a contribution or ex-
9 penditure may be subject to a civil penalty equivalent to the
10 amount not exceeding Five Hundred Dollars-(\$500)-he or she failed
11 to report.

12 (d)-Any person who violates any of the provisions of this
13 ordinance may be subject to a civil penalty of not more than Two
14 Hundred Fifty Dollars-(\$250)-for each such violation, PROVIDED,
15 however, that any person responsible for the filing of a properly
16 completed statement or report within the time required by this
17 ordinance who fails to file a properly completed statement or
18 report within such time may be subject to a civil penalty of
19 Ten Dollars-(\$10.00)-per day for each day each such delinquency
20 continues,--AND PROVIDED FURTHER, that no individual penalty
21 assessed pursuant to this subsection (d) of this section shall
22 exceed Two Hundred Fifty Dollars-(\$250)-and in any case where
23 multiple violations are involved in a single complaint or hearing,
24 the maximum aggregate penalty shall not exceed Five Hundred
25 Dollars-(\$500)-.)

26 Section 5. (EFFECTIVE DATE. This ordinance shall become
27 effective on January 1, 1979.
28

(To be used for all Ordinances except Emergency.)

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 6 day of November, 1978,
and signed by me in open session in authentication of its passage this 6 day of
November, 1978.

Approved by me this 7 day of November, 1978.

Filed by me this 7 day of November, 1978.

Attest: E. L. Lima
City Comptroller and City Clerk.

(SEAL)

Published

By: Payne Engstrom
Deputy Clerk.

March 27, 1989
0907C:SM:clt:mls

Introduced by: Ron Sims
Cynthia Sullivan
Proposed No.: 88 - 531

ORDINANCE NO. 8970

AN ORDINANCE relating to establishing limits on campaign contributions and creating voluntary program for matching public funds and establishing civil penalties for violations.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings of fact. A. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the integrity of the political process. Therefore, the county election process and county government should be protected from undue influence by individuals and groups making large contributions to the election campaigns of candidates for executive, county council, and assessor.

B. The county finds that, in the interest of the public health, safety and welfare, it is necessary to safeguard the confidence in the political process. Therefore, the county election process and county government should be protected from even the appearance of undue influence by individuals or groups contributing to candidates for executive, county council, and assessor. The confidence of the public in a fair and democratic election process is vital. In the high cost of election campaigning, there can be the problem of improper influence, real or perceived, exercised by campaign contributors over elected officials. It is the policy of this county to foster broad-base citizen involvement in financing election campaigns.

1 C. The county therefore finds that limitations on
2 contributions of money, services and materials by individuals or
3 groups to county election campaigns should be imposed by law to
4 protect the public health, safety, welfare and the integrity of
5 the process. These limitations, however, should be reasonable,
6 so as not to discourage personal expression.

7 D. The county, therefore, finds it is in the public interest
8 to encourage the widest participation of the public in the
9 electoral process, to reduce the dependence of candidates on
10 large contributions and to increase public knowledge of the
11 candidates and of election issues. The county finds that
12 campaign expenditure limitations are in the best interest of the
13 public. Recognizing that public matching funds for campaign
14 purposes are necessary for voluntary expenditure limitations to
15 be successful and voluntary programs are the only limitations
16 constitutionally permissible, the Council finds a program of
17 public matching funds should be established.

18 SECTION 2. Definitions. For purposes of this ordinance the
19 following definitions shall apply:

20 A. "Campaign Year". "Campaign Year" means January 1 to
21 December 31, of the year an election is held for a county
22 elective office.

23 B. "Candidate". "Candidate" means any individual who seeks
24 election to a public office set out in Section 3 whether or not
25 successfully. An individual shall be deemed to be seeking
26 election when he or she first: receives contributions or makes
27 expenditures or reserves space or facilities with intent to
28 promote his candidacy for office, announces publicly or files for
29 office, whichever occurs first.

30 C. "Contribution". "Contribution" means a loan, loan
31 guarantee, gift, deposit, subscription, forgiveness of
32 indebtedness, donation, advance, pledge, payment, transfer of
33 funds between political committees, or transfer of anything of

1 value, including personal and professional services, for less
2 than full consideration. "Contribution" does not include
3 interest on moneys deposited in a political committee's account,
4 ordinary home hospitality, volunteer in-kind labor or incidental
5 expenses not in excess of twenty-five dollars personally paid for
6 by a volunteer campaign worker. For the purposes of this
7 ordinance, contributions other than money or its equivalents
8 shall be deemed to have a money value equivalent to the fair
9 market value of the contribution. Sums paid for tickets to
10 fundraising events such as dinners and parties are contributions;
11 however, the amount of any such contribution may be reduced for
12 the purpose of complying with the reporting requirements of this
13 ordinance by the actual cost of consumables furnished in
14 connection with the purchase of such tickets, and only the excess
15 over actual cost of such consumables shall be deemed a
16 contribution.

17 D. "Expenditure". "Expenditure" means a payment,
18 contribution, subscription, distribution, loan advance, deposit,
19 or gift of money or anything of value, and includes a contract,
20 promise, or agreement, whether or not legally enforceable, to
21 make an expenditure. "Expenditure" also includes a promise to
22 pay; and a payment or transfer of anything of value in exchange
23 for goods, services, property, facilities, or anything of value
24 for the purpose of assisting, benefiting or honoring any public
25 official or candidate, or assisting in furthering or opposing any
26 election campaign. For purposes of this ordinance, expenditures
27 other than money or its equivalent shall be deemed to have a
28 monetary value equal to the fair market value of the
29 expenditure. "Expenditure" shall not include:

30 1. The partial or complete repayment by a candidate or
31 political committee of the principal of a loan, the receipt of
32 which loan has been properly reported; or
33

1 2. The value of in-kind labor; or

2 3. Fines paid as a result of any penalties imposed on a
3 candidate for violating this ordinance.

4 E. "Fair advertising". "Fair advertising" means any
5 publication, literature or media advertising, which bears the
6 clear and conspicuous identification of the sponsoring
7 candidate's name.

8 F. "In-kind Labor". "In-kind labor" means services provided
9 by a person who volunteers all or a portion of his/her time to a
10 candidate's election campaign, and who is not paid by any person
11 for such services.

12 G. "Independent Expenditure". "Independent expenditure"
13 means expenditure on behalf of, or opposing the election of, any
14 candidate, when such expenditure is made independently of the
15 candidate, his/her political committee, or agent, and when such
16 expenditure is made without the prior consent, or the collusion,
17 or the cooperation, of the candidate or his/her agent or
18 political committee.

19 H. "Outside Political Committee". "Outside political
20 committee" means political committees other than those authorized
21 by a single specific candidate for his/her campaign.

22 I. "Non-campaign year". "Non-campaign year" means any one
23 of three-years during the period beginning January 1 of the year
24 after an election for a county elective office.

25 J. "Person". "Person" means any individual, association,
26 corporation, candidate, committee, political committee, political
27 party, partnership or other entity.

28 K. "Political Committee". "Political committee" means any
29 person (except a candidate or an individual dealing with his own
30 funds or property) having the expectation of receiving
31 contributions or making expenditures in support of, or opposition
32 to, any candidate and which has also filed as political committee
33 pursuant to RCW 42.17.

1 L. "Political Party". "Political Party" shall mean a major
2 political party or a new or minor party which is established
3 pursuant to RCW 29.42

4 SECTION 3. Application. These limits shall apply only to
5 candidates in any primary, general or special election for the
6 offices of King County executive, council, and assessor.

7 SECTION 4. Mandatory limitations on contributions.

8 A. No person shall make a contribution of more than three
9 hundred fifty dollars to any candidate for executive, county
10 council, or assessor, in any campaign year; provided, a political
11 committee may contribute up to one thousand dollars to any
12 candidate for executive, county council, or assessor in the name
13 of such group; provided further, that no person shall knowingly
14 contribute more than three hundred fifty dollars in aggregate to
15 any such candidate, in any campaign year, including contributions
16 to outside political committees except political parties, which
17 contribute to candidates for the above county offices.

18 B. No person shall contribute more than \$100 during any
19 non-campaign year to any candidate for executive, county council,
20 or assessor.

21 C. No candidate for executive, county council, or assessor
22 shall accept or receive a campaign contribution of more than
23 three hundred fifty dollars from any person or more than one
24 thousand dollars from any political committee in any campaign
25 year nor shall any such candidate accept or receive a campaign
26 contribution of more than \$100 from any person during a
27 non-campaign year;

28 D. The limitations imposed by this section shall not apply
29 to:

30 1. A candidate's contributions of his/her own resources to
31 his/her own campaign; the limitations imposed by this section
32 shall apply to the contributions of all others; and
33

1 2. Independent expenditures as defined by this chapter; an

2 3. The value of in-kind labor.

3 SECTION 5. Charter Amendment. This ordinance shall be
4 effective upon the adoption, on or before January 1, 1990 by the
5 voters of King County, of an amendment to the King County Charter
6 authorizing and requiring the King County Council to establish by
7 ordinance a system of campaign contribution limitations and
8 voluntary limitations on campaign expenditures with public
9 matching funds.

10 SECTION 6. Campaign contract. A. Effective with elections
11 for county officers in 1991, a candidate for executive, county
12 council, or assessor may sign a contract with the county agreeing
13 to abide by limitations on candidates' contributions, limitations
14 on campaign expenditures, and limitations on the use of all
15 contributions as specified in this chapter in exchange for public
16 matching funds.

17 B. The campaign contract must be signed by the individual
18 candidate either within thirty days after the individual becomes
19 a candidate as defined in RCW 42.17.020, or at the time of filing
20 for said office, whichever is earlier.

21 SECTION 7. Candidates' contribution limitations. A
22 candidate who signs a campaign contract shall make no
23 contribution to his/her own campaign or political committee which
24 in the aggregate exceeds ten percent of the applicable
25 expenditure limit in any campaign year.

26 SECTION 8. Expenditure limitations. A. A candidate for
27 county council who signs a campaign contract in accordance with
28 Section 6 shall not, during the campaign year, make expenditures
29 exceeding the aggregate amount of the annual salary of the office
30 which the candidate is seeking, calculated for the year of the
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1 election. A candidate for executive, or assessor who signs a
2 campaign contract in accordance with Section 6 shall not, during
3 the campaign year, make expenditures exceeding three times the
4 aggregate amount of the annual salary of the office for which the
5 candidate is seeking.

6 B. Independent expenditures, as defined by this chapter,
7 shall not be included in the computation of a candidate's
8 expenditures.

9 SECTION 9. Eligibility for public matching funds.

10 A. To be eligible to receive public matching funds, a
11 candidate for executive, county council, or assessor must meet
12 the legal requirements of the office as established by statute or
13 the county charter and,

14 1. For the office of executive:

15 a. Receive five hundred contributions of ten dollars or
16 more during the campaign year, and

17 b. Be opposed by a candidate who has qualified for
18 public matching funds or who has raised, spent or has cash on
19 hand of \$45,000 or more.

20 2. For the office of the assessor:

21 a. Receive five hundred contributions of ten dollars or
22 more during the campaign year; and

23 b. Be opposed by a candidate who has qualified for
24 public matching funds or who has raised, spent or has cash on
25 hand of \$30,000.

26 3. For the office of county council:

27 a. Receive two hundred contributions of ten dollars or
28 more during the campaign year, and

29 b. Be opposed by a candidate who has qualified for
30 public matching funds or who has raised, spent or has cash on
31 hand of \$10,000 or more.

1 B. For the purposes of establishing eligibility under this
2 section, only those contributions received from residents of the
3 county shall be counted toward the requirement.

4 C. Candidates must submit evidence of meeting the
5 eligibility requirements of this section to the director of the
6 department of executive administration or his or her designee for
7 verification. Upon verification of eligibility, a candidate who
8 has signed a campaign contract shall be eligible to receive
9 public matching funds; provided that any candidate who receives
10 public matching funds and later fails to file for public office
11 or withdraws his/her candidacy after filing, shall return to the
12 appropriate county account any of the unexpended campaign funds
13 up to the amount of the matching public funds disbursed to that
14 candidate.

15 SECTION 10. Public matching funds - specifications.

16 A. Effective with elections for county offices in 1991 a
17 candidate who has met the eligibility requirements for public
18 matching funds and who has signed a campaign contract shall be
19 entitled to receive one dollar in public matching funds for every
20 one dollar received from any resident of King County during the
21 campaign year to a maximum public match of fifty dollars per
22 individual contributor. Neither loans nor the transfers of
23 anything of value other than money to the candidate or his/her
24 political committee shall be matched with public funds.

25 B. A candidate who signs a campaign contract who otherwise
26 is eligible to receive public matching funds shall be eligible
27 until it is determined that such candidate has no opponent at the
28 close of the filing period or after the primary election as
29 provided by law. For purposes of this section, a write-in
30 candidate shall not be considered an opponent.
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1 C. If following the election wherein the candidate is
2 elected or defeated, the candidate has unexpended campaign funds,
3 one-half of such surplus but not to exceed the amount of public
4 matching funds received, shall be returned to the appropriate
5 county account within ten days of certification of the election.

6 D. A candidate who has signed a campaign contract may void
7 his/her contract within fifteen days after the close of filing;
8 provided, an opponent of that candidate does not enter into a
9 campaign contract pursuant to this chapter and provided further,
10 that the candidate returns all public funds received pursuant to
11 this chapter.

12 SECTION 11. Payment of matching funds.

13 A. There is hereby established in the county treasury a
14 campaign matching fund account into which shall be deposited
15 whatever sums the county may receive or allocate from time to
16 time or during the annual budget process for campaign matching
17 purposes.

18 B. Candidates entitled to public matching funds shall be
19 paid upon submission of vouchers which shall be approved by the
20 director of executive administration or his or her designee.

21 SECTION 12. Permitted uses of public matching funds. Public
22 matching funds may be expended only for the receiving candidate's
23 direct campaign purposes such as, but not limited to, purchasing
24 campaign literature or media space or time, mailings, renting
25 campaign headquarters, or paying for campaign headquarters'
26 telephones. All use of public matching funds for advertising
27 expenditures including the costs of production, distribution and
28 purchase of media space or air time, shall meet the requirements
29 of the fair advertising definition. A candidate who signs a
30 campaign contract may not use matching funds for indirect
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63

1 campaign purposes such as, but not limited to, providing a
2 candidate's personal support or for donation to another's
3 campaign. Permissibility of an expenditure of public matching
4 funds shall be determined by the director of the department of
5 executive administration or his or her designee.

6 SECTION 13. Penalties. The violation or failure to comply
7 with the provisions of this ordinance shall constitute a civil
8 violation for which a monetary fine of up to one thousand dollars
9 shall be assessed. Each violation shall be a separate violation
10 and shall be subject to the fine. An action seeking to establish
11 the fact of a violation and imposition of a monetary fine under
12 this section shall be commenced with the assistance of the county
13 prosecuting attorney.

14 SECTION 14. Effective date.

15 A. This ordinance shall become effective on January 1, 1990.

16 B. After the general election of November 1993 the county
17 council shall analyze the results of the elections under this
18 ordinance and prior to May 1, 1994 shall either re-enact this
19 ordinance with or without modifications or the provisions of this
20 ordinance shall expire on May 1, 1994.

21 SECTION 15. Severability. Should any section, subsection,
22 paragraph, sentence, clause or phrase of this ordinance be
23 declared unconstitutional or invalid for any reason, such
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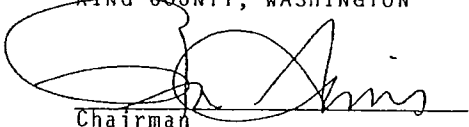
8970

1 decision shall not affect the validity of the remaining portion
2 of this ordinance.

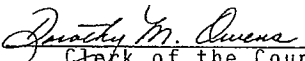
3 INTRODUCED AND READ for the first time this 11th day
4 of July, 1988.

5 PASSED this 22nd day of May, 1989.

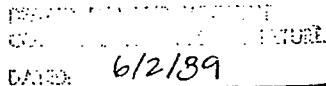
6
7 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

8
9 
Chairman

10
11 ATTEST:

12
13 
14 Clerk of the Council

15 APPROVED this _____ day of _____, 1989.

16
17 
18 DATED: 6/2/89

19
20 King County Executive



King County Executive
TIM HILL

400 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-4040

June 2, 1989

The Honorable Ron Sims, Chair
King County Council
Room 402
C O U R T H O U S E

RE: Ordinance 8970

I am returning Ordinance 8970 to the Council without my signature.

I agree with the intent of the Ordinance, to encourage broad-based citizen involvement in the election process. I am, however, philosophically opposed to spending public tax money on political campaigns.

Sincerely,

Tim Hill
King County Executive

Attachment

cc: King County Councilmembers
ATTN: Cal Hoggard, Program Director
Jerry Peterson, Council Administrator



66

HOUSE INITIATIVE 134
to the Washington State Legislature

Chapter 2, Laws of 1993

FAIR CAMPAIGN PRACTICES ACT

Approved by the
People of the State of Washington
in the General Election on
November 3, 1992

ORIGINALLY FILED

June 12, 1991

Secretary of State
State of Washington

67

1 AN ACT Relating to the regulation of political contributions and
2 campaign expenditures; amending RCW 42.17.095, 42.17.125, 42.17.510,
3 41.04.230, 42.17.180, 42.17.390, and 42.17.240; adding new sections
4 to chapter 42.17 RCW; creating new sections; repealing RCW
5 42.17.243; and prescribing penalties.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

7 **PART I**
8 **FINDINGS AND INTENT**

9 NEW SECTION. **Sec. 1. FINDINGS.** The people of the state of
10 Washington find and declare that:

11 (1) The financial strength of certain individuals or
12 organizations should not permit them to exercise a disproportionate
13 or controlling influence on the election of candidates.

14 (2) Rapidly increasing political campaign costs have led many
15 candidates to raise larger percentages of money from special
16 interests with a specific financial stake in matters before state

1 government. This has caused the public perception that decisions of
2 elected officials are being improperly influenced by monetary
3 contributions.

4 (3) Candidates are raising less money in small contributions
5 from individuals and more money from special interests. This has
6 created the public perception that individuals have an insignificant
7 role to play in the political process.

8 NEW SECTION. **Sec. 2.** INTENT. By limiting campaign
9 contributions, the people intend to:

10 (1) Ensure that individuals and interest groups have fair and
11 equal opportunity to influence elective and governmental processes;

12 (2) Reduce the influence of large organizational contributors;
13 and

14 (3) Restore public trust in governmental institutions and the
15 electoral process.

16 **PART II**
17 **DEFINITIONS**

18 NEW SECTION. **Sec. 3.** DEFINITIONS. The definitions of RCW
19 42.17.020 apply to sections 4 through 19 of this act except as
20 modified by this section. Unless the context clearly requires
21 otherwise, the definitions in this section apply throughout sections
22 4 through 19 of this act.

23 (1) "Authorized committee" means the political committee
24 authorized by a candidate, or by the state official against whom
25 recall charges have been filed, to accept contributions or make
26 expenditures on behalf of the candidate or state official.

27 (2) "Bona fide political party" means:

28 (a) An organization that has filed a valid certificate of
29 nomination with the secretary of state under chapter 29.24 RCW; or

30 (b) The governing body of the state organization of a major
31 political party, as defined in RCW 29.01.090, which is the body
32 authorized by the charter or bylaws of the party to exercise

1 authority on behalf of the state party; or

2 (c) The county central committee or legislative district
3 committee of a major political party.

4 (3) "Candidate" means an individual seeking nomination for
5 election or seeking election to a state office. An individual is
6 deemed to be seeking nomination for election or seeking election
7 when the individual first:

8 (a) Announces publicly or files for the office;

9 (b) Purchases commercial advertising space or broadcast time to
10 promote his or her candidacy;

11 (c) Receives contributions or makes expenditures for facilities
12 with intent to promote his or her candidacy for the office; or

13 (d) Gives his or her consent to another person to take on
14 behalf of the individual any of the actions in (b) or (c) of this
15 subsection.

16 (4) "Caucus of the state legislature" means the caucus of
17 members of a major political party in the state house of
18 representatives or in the state senate.

19 (5)(a) "Contribution" includes a loan, gift, deposit,
20 subscription, forgiveness of indebtedness, donation, advance,
21 pledge, payment, transfer of funds between political committees, or
22 transfer of anything of value, including personal and professional
23 services for less than full consideration.

24 (b) Subject to further definition by the commission,
25 "contribution" does not include the following:

26 (i) Interest on money deposited in a political committee's
27 account;

28 (ii) Ordinary home hospitality;

29 (iii) A contribution received by a candidate or political
30 committee that is returned to the contributor within five business
31 days of the date on which it is received by the candidate or
32 political committee;

33 (iv) An expenditure or contribution earmarked for voter
34 registration, for absentee ballot information, for precinct
35 caucuses, for get-out-the-vote campaigns, for precinct judges or

1 inspectors, for sample ballots, or for ballot counting, all without
2 promotion of or political advertising for individual candidates;

3 (v) A news item, feature, commentary, or editorial in a
4 regularly scheduled news medium that is of primary interest to the
5 general public, that is in a news medium controlled by a person
6 whose primary business is that news medium, and that is not
7 controlled by a candidate or political committee;

8 (vi) An expenditure by a political committee for its own
9 internal organization or fund raising without direct association
10 with individual candidates;

11 (vii) An internal political communication primarily limited to
12 the contributors to a political party organization or political
13 action committee, or the officers, management staff, and
14 stockholders of a corporation or similar enterprise, or the members
15 of a labor organization or other membership organization;

16 (viii) The rendering of personal services of the sort commonly
17 performed by volunteer campaign workers, or incidental expenses
18 personally incurred by volunteer campaign workers not in excess of
19 fifty dollars personally paid for by the worker. "Volunteer
20 services," for the purposes of this section, means services or labor
21 for which the individual is not compensated by any person and that
22 are performed outside the individual's normal working hours; or

23 (ix) Legal or accounting services rendered to or on behalf of:

24 (A) A political party or caucus of the state legislature if the
25 person paying for the services is the regular employer of the person
26 rendering such services; or

27 (B) A candidate or an authorized committee if the person paying
28 for the services is the regular employer of the individual rendering
29 the services and if the services are solely for the purpose of
30 ensuring compliance with state election or public disclosure laws.

31 (c) Contributions other than money or its equivalent are deemed
32 to have a monetary value equivalent to the fair market value of the
33 contribution.

34 (d) Sums paid for tickets to fund-raising events such as
35 dinners and parties are contributions, except for the actual cost of

1 the consumables furnished at the event.

2 (e) An expenditure made by a person in cooperation,
3 consultation, or concert with, or at the request or suggestion of,
4 a candidate, a political committee, or their agents, is considered
5 to be a contribution to such candidate or political committee.

6 (f) The financing by a person of the dissemination,
7 distribution, or republication, in whole or in part, of broadcast,
8 written, graphic, or other form of political advertising prepared by
9 a candidate, a political committee, or its authorized agent, is
10 considered to be a contribution to the candidate or political
11 committee.

12 (6) "Election" means a primary or a general or special election
13 in which a candidate is on the ballot.

14 (7) "Election cycle" means the period beginning on the first
15 day of December after the date of the last previous general election
16 for the office that the candidate seeks and ending on November 30th
17 after the next election for the office. In the case of a special
18 election to fill a vacancy in an office, "election cycle" means the
19 period beginning on the day the vacancy occurs and ending on
20 November 30th after the special election.

21 (8) "General election" means the election that results in the
22 election of a person to a state office. It does not include a
23 primary.

24 (9) "Immediate family" means a candidates's spouse, and any
25 child, stepchild, grandchild, parent, stepparent, grandparent,
26 brother, half-brother, sister, or half-sister of the candidate and
27 the spouse of any such person and any child, stepchild, grandchild,
28 parent, stepparent, grandparent, brother, half-brother, sister, or
29 half-sister of the candidate's spouse and the spouse of any such
30 person.

31 (10) "Independent expenditure" means an "expenditure" as
32 defined in RCW 42.17.020 that has each of the following elements:

33 (a) It is made in support of or in opposition to a candidate
34 for office by a person who is not (i) a candidate for that office,
35 (ii) an authorized committee of that candidate for that office,

1 (iii) a person who has received the candidate's encouragement or
2 approval to make the expenditure, if the expenditure pays in whole
3 or in part for any political advertising supporting that candidate
4 or promoting the defeat of any other candidate or candidates for
5 that office, or (iv) a person with whom the candidate has
6 collaborated for the purpose of making the expenditure, if the
7 expenditure pays in whole or in part for any political advertising
8 supporting that candidate or promoting the defeat of any other
9 candidate or candidates for that office;

10 (b) The expenditure pays in whole or in part for any political
11 advertising that either specifically names the candidate supported
12 or opposed, or clearly and beyond any doubt identifies the candidate
13 without using the candidate's name; and

14 (c) The expenditure, alone or in conjunction with another
15 expenditure or other expenditures of the same person in support of
16 or opposition to that candidate, has a value of five hundred dollars
17 or more. A series of expenditures, each of which is under five
18 hundred dollars, constitutes one independent expenditure if their
19 cumulative value is five hundred dollars or more.

20 (11)(a) "Intermediary" means an individual who transmits a
21 contribution to a candidate or committee from another person unless
22 the contribution is from the individual's employer, immediate
23 family, or an association to which the individual belongs.

24 (b) A treasurer or a candidate is not an intermediary for
25 purpose of the committee that the treasurer or candidate serves.

26 (c) A professional fund raiser is not an intermediary if the
27 fund raiser is compensated for fund-raising services at the usual
28 and customary rate.

29 (d) A volunteer hosting a fund-raising event at the
30 individual's home is not an intermediary for purposes of that event.

31 (12) "Person" includes:

32 (a) An individual;

33 (b) A partnership, limited partnership, public or private
34 corporation, or joint venture;

35 (c) A nonprofit corporation, organization, or association,

1 including but not limited to, a national, state, or local labor
2 union or collective bargaining organization and a national, state,
3 or local trade or professional association;

4 (d) A federal, state, or local governmental entity or agency,
5 however constituted;

6 (e) A candidate, committee, political committee, bona fide
7 political party, or executive committee thereof; and

8 (f) Any other organization or group of persons, however
9 organized.

10 (13) "Primary" means the procedure for nominating a candidate
11 to state office under chapter 29.18 or 29.21 RCW or any other
12 primary for an election which uses, in large measure, the procedures
13 established in chapter 29.18 or 29.21 RCW.

14 (14) "Recall campaign" means the period of time beginning on
15 the date of the filing of recall charges under RCW 29.82.015 and
16 ending thirty days after the recall election.

17 (15) "State legislative office" means the office of a member of
18 the state house of representatives and the office of a member of the
19 state senate.

20 (16) "State office" means state legislative office or the
21 office of governor, lieutenant governor, secretary of state,
22 attorney general, commissioner of public lands, insurance
23 commissioner, superintendent of public instruction, state auditor,
24 or state treasurer.

25 (17) "State official" means a person who holds a state office.

26 **PART III**
27 **CONTRIBUTIONS**

28 NEW SECTION. **Sec. 4. CAMPAIGN CONTRIBUTION LIMITS.** (1) No
29 person, other than a bona fide political party or a caucus of the
30 state legislature, may make contributions to a candidate for a state
31 legislative office that in the aggregate exceed five hundred dollars
32 or to a candidate for a state office other than a state legislative
33 office that in the aggregate exceed one thousand dollars for each

1 election in which the candidate is on the ballot or appears as a
2 write-in candidate. Contributions made with respect to a primary
3 may not be made after the date of the primary. Contributions made
4 with respect to a general election may not be made after the final
5 day of the applicable election cycle.

6 (2) No person, other than a bona fide political party or a
7 caucus of the state legislature, may make contributions to a state
8 official against whom recall charges have been filed, or to a
9 political committee having the expectation of making expenditures in
10 support of the recall of the state official, during a recall
11 campaign that in the aggregate exceed five hundred dollars if for a
12 state legislative office or one thousand dollars if for a state
13 office other than a state legislative office.

14 (3)(a) Notwithstanding subsection (1) of this section, no bona
15 fide political party or caucus of the state legislature may make
16 contributions to a candidate during an election cycle that in the
17 aggregate exceed (i) fifty cents multiplied by the number of
18 eligible registered voters in the jurisdiction from which the
19 candidate is elected if the contributor is a caucus of the state
20 legislature or the governing body of a state organization, or (ii)
21 twenty-five cents multiplied by the number of registered voters in
22 the jurisdiction from which the candidate is elected if the
23 contributor is a county central committee or a legislative district
24 committee.

25 (b) No candidate may accept contributions from a county central
26 committee or a legislative district committee during an election
27 cycle that when combined with contributions from other county
28 central committees or legislative district committees would in the
29 aggregate exceed twenty-five cents times the number of registered
30 voters in the jurisdiction from which the candidate is elected.

31 (4)(a) Notwithstanding subsection (2) of this section, no bona
32 fide political party or caucus of the state legislature may make
33 contributions to a state official against whom recall charges have
34 been filed, or to a political committee having the expectation of
35 making expenditures in support of the state official, during a

1 recall campaign that in the aggregate exceed (i) fifty cents
2 multiplied by the number of eligible registered voters in the
3 jurisdiction entitled to recall the state official if the
4 contributor is a caucus of the state legislature of the governing
5 body of a state organization, or (ii) twenty-five cents multiplied
6 by the number of registered voters in the jurisdiction from which
7 the candidate is elected if the contributor is a county central
8 committee or a legislative district committee.

9 (b) No state official against whom recall charges have been
10 filed, no authorized committee of the official, and no political
11 committee having the expectation of making expenditures in support
12 of the recall of a state official may accept contributions from a
13 county central committee or a legislative district committee or a
14 legislative district committee during an election cycle that when
15 combined with contributions from other county central committees or
16 legislative district committees would in the aggregate exceed
17 twenty-five cents multiplied by the number of registered voters in
18 the jurisdiction from which the candidate is elected.

19 (5) Notwithstanding subsections (1) through (4) of this
20 section, no person other than an individual, bona fide political
21 party, or caucus of the state legislature may make contributions
22 reportable under this chapter to a caucus of the state legislature
23 that in the aggregate exceed five hundred dollars in a calendar year
24 or to a bona fide political party that in the aggregate exceed two
25 thousand five hundred dollars in a calendar year. This subsection
26 does not apply to loans made in the ordinary course of business.

27 (6) For the purposes of sections 4 through 19 of this act, a
28 contribution to the authorized political committee of a candidate,
29 or of a state official against whom recall charges have been filed,
30 is considered to be a contribution to the candidate or state
31 official.

32 (7) A contribution received within the twelve-month period
33 after a recall election concerning a state office is considered to
34 be a contribution during that recall campaign if the contribution is
35 used to pay a debt or obligation incurred to influence the outcome

1 of that recall campaign.

2 (8) The contributions allowed by subsection (2) of this section
3 are in addition to those allowed by subsection (1) of this section,
4 and the contributions allowed by subsection (4) of this section are
5 in addition to those allowed by subsection (3) of this section.

6 (9) Sections 4 through 19 of this act apply to a special
7 election conducted to fill a vacancy in a state office. However,
8 the contributions made to a candidate or received by a candidate for
9 a primary or special election conducted to fill such a vacancy shall
10 not be counted toward any of the limitations that apply to the
11 candidate or to contributions made to the candidate for any other
12 primary or election.

13 (10) Notwithstanding the other subsections of this section, no
14 corporation or business entity not doing business in Washington
15 state, no labor union with fewer than ten members who reside in
16 Washington state, and no political committee that has not received
17 contributions of ten dollars or more from at least ten persons
18 registered to vote in Washington state during the preceding one
19 hundred eighty days may make contributions reportable under this
20 chapter to a candidate, to a state official against whom recall
21 charges have been filed, or to a political committee having the
22 expectation of making expenditures in support of the recall of the
23 official. This subsection does not apply to loans made in the
24 ordinary course of business.

25 (11) Notwithstanding the other subsections of this section, no
26 county central committee or legislative district committee may make
27 contributions reportable under this chapter to a candidate, state
28 official against whom recall charges have been filed, or political
29 committee having the expectation of making expenditures in support
30 of the recall of a state official if the county central committee or
31 legislative district committee is outside of the jurisdiction
32 entitled to elect the candidate or recall the state official.

33 (12) No person may accept contributions that exceed the
34 contribution limitations provided in this section.

1 NEW SECTION. **Sec. 5.** ATTRIBUTION AND AGGREGATION OF FAMILY
2 CONTRIBUTIONS. (1) Contributions by a husband and wife are
3 considered separate contributions.

4 (2) Contributions by unemancipated children under eighteen
5 years of age are considered contributions by their parents and are
6 attributed proportionately to each parent. Fifty percent of the
7 contributions are attributed to each parent or, in the case of a
8 single custodial parent, the total amount is attributed to the
9 parent.

10 NEW SECTION. **Sec. 6.** ATTRIBUTION OF CONTRIBUTIONS BY
11 CONTROLLED ENTITIES. For purposes of this chapter:

12 (1) A contribution by a political committee with funds that
13 have all been contributed by one person who exercises exclusive
14 control over the distribution of the funds of the political
15 committee is a contribution by the controlling person.

16 (2) Two or more entities are treated as a single entity if one
17 of the two or more entities is a subsidiary, branch, or department
18 of a corporation or a local unit, branch, or affiliate of a trade
19 association, labor union, or collective bargaining association. All
20 contributions made by a person or political committee whose
21 contribution or expenditure activity is financed, maintained, or
22 controlled by a trade association, labor union, collective
23 bargaining organization, or the local unit of a trade association,
24 labor union, or collective bargaining organization are considered
25 made by the same person or entity.

26 NEW SECTION. **Sec. 7.** ATTRIBUTION OF CONTRIBUTIONS. All
27 contributions made by a person or entity, either directly or
28 indirectly, to a candidate, to a state official against whom recall
29 charges have been filed, or to a political committee, are considered
30 to be contributions from that person or entity to the candidate,
31 state official, or political committee, as are contributions that
32 are in any way earmarked or otherwise directed through an
33 intermediary or conduit to the candidate, state official, or

1 political committee. For the purposes of this section, "earmarked"
2 means a designation, instruction, or encumbrance, whether direct or
3 indirect, expressed or implied, or oral or written, that is intended
4 to result in or does result in all or any part of a contribution
5 being made to a certain candidate or state official. If a conduit
6 or intermediary exercises any direction or control over the choice
7 of the recipient candidate or state official, the contribution is
8 considered to be by both the original contributor and the conduit or
9 intermediary.

10 NEW SECTION. **Sec. 8. LIMITATIONS ON EMPLOYERS OR LABOR**
11 **ORGANIZATIONS.** (1) No employer or labor organization may increase
12 the salary of an officer or employee, or give an emolument to an
13 officer, employee, or other person or entity, with the intention
14 that the increase in salary, or the emolument, or a part of it, be
15 contributed or spent to support or oppose a candidate, state
16 official against whom recall charges have been filed, political
17 party, or political committee.

18 (2) No employer or labor organization may discriminate against
19 an officer or employee in the terms or conditions of employment for
20 (a) the failure to contribute to, (b) the failure in any way to
21 support or oppose, or (c) in any way supporting or opposing a
22 candidate, ballot proposition, political party, or political
23 committee.

24 (3) No employer or other person or entity responsible for the
25 disbursement of funds in payment of wages or salaries may withhold
26 or divert a portion of an employee's wages or salaries for
27 contributions to political committees or for use as political
28 contributions except upon the written request of the employee. The
29 request must be made on a form prescribed by the commission
30 informing the employee of the prohibition against employer and labor
31 organization discrimination described in subsection (2) of this
32 section. The request is valid for no more than twelve months from
33 the date it is made by the employee.

34 (4) Each person or entity who withholds contributions under

1 subsection (3) of this section shall maintain open for public
2 inspection for a period of no less than three years, during normal
3 business hours, documents and books of accounts that shall include
4 a copy of each employee's request, the amounts and dates funds were
5 actually withheld, and the amounts and dates funds were transferred
6 to a political committee. Copies of such information shall be
7 delivered to the commission upon request.

8 NEW SECTION. **Sec. 9.** CHANGING MONETARY LIMITS. At the
9 beginning of each even-numbered calendar year, the commission shall
10 increase or decrease all dollar amounts in this chapter based on
11 changes in economic conditions as reflected in the inflationary
12 index used by the commission under RCW 42.17.370. The new dollar
13 amounts established by the commission under this section shall be
14 rounded off by the commission to amounts as judged most convenient
15 for public understanding and so as to be within ten percent of the
16 target amount equal to the base amount provided in this chapter
17 multiplied by the increase in the inflationary index since the
18 effective date of this act.

19 NEW SECTION. **Sec. 10.** CONTRIBUTIONS FROM BEFORE EFFECTIVE
20 DATE OF ACT. Contributions made and received before the effective
21 date of this act are considered to be contributions under sections
22 4 through 19 of this act. Monetary contributions that exceed the
23 contribution limitations and that have not been spent by the
24 recipient of the contribution by the effective date of this act must
25 be disposed of in accordance with RCW 42.17.095.

26 NEW SECTION. **Sec. 11.** TIME LIMIT FOR STATE OFFICIAL TO
27 SOLICIT OR ACCEPT CONTRIBUTIONS. During the period beginning on the
28 thirtieth day before the date a regular legislative session convenes
29 and continuing thirty days past the date of final adjournment, and
30 during the period beginning on the date a special legislative
31 session convenes and continuing through the date that session
32 adjourns, no state official or a person employed by or acting on

1 behalf of a state official or state legislator may solicit or accept
2 contributions to a public office fund, to a candidate or authorized
3 committee, or to retire a campaign debt.

4 NEW SECTION. **Sec. 12.** RESTRICTION ON LOANS. (1) A loan is
5 considered to be a contribution from the maker and the guarantor of
6 the loan and is subject to the contribution limitations of this
7 chapter.

8 (2) A loan to a candidate or the candidate committee must be by
9 written agreement.

10 (3) The proceeds of a loan made to a candidate:

11 (a) By a commercial lending institution;

12 (b) Made in the regular course of business;

13 (c) On the same terms ordinarily available to members of the
14 public; and

15 (d) That is secured or guaranteed,

16 are not subject to the contribution limits of this chapter.

17 NEW SECTION. **Sec. 13.** CONTRIBUTIONS ON BEHALF OF ANOTHER.
18 (1) A person, other than an individual, may not be an intermediary
19 or an agent for a contribution.

20 (2) An individual may not make a contribution on behalf of
21 another person or entity, or while acting as the intermediary or
22 agent of another person or entity, without disclosing to the
23 recipient of the contribution both his or her full name, street
24 address, occupation, name of employer, if any, or place of business
25 if self-employed, and the same information for each contributor for
26 whom the individual serves as intermediary or agent.

27 NEW SECTION. **Sec. 14.** CERTAIN CONTRIBUTIONS REQUIRED TO BE BY
28 WRITTEN INSTRUMENT. (1) An individual may not make a contribution
29 of more than fifty dollars, other than an in-kind contribution,
30 except by a written instrument containing the name of the donor and
31 the name of the payee.

32 (2) A committee may not make a contribution, other than in-

1 kind, except by a written instrument containing the name of the
2 donor and the name of the payee.

3 NEW SECTION. **Sec. 15.** SOLICITATION OF CONTRIBUTIONS BY
4 GOVERNMENT EMPLOYEES. (1) No state official or state official's
5 agent may knowingly solicit, directly or indirectly, a contribution
6 from an employee in the state official's agency.

7 (2) No state official or state employee may provide an
8 advantage or disadvantage to an employee or applicant for employment
9 in the classified civil service concerning the applicant's or
10 employee's:

11 (a) Employment;

12 (b) Conditions of employment; or

13 (c) Application for employment,

14 based on the employee's or applicant's contribution or promise to
15 contribute or failure to make a contribution or contribute to a
16 political party or committee.

17 NEW SECTION. **Sec. 16.** AGENCY SHOP FEES AS CONTRIBUTIONS. A
18 labor organization may not use agency shop fees paid by an
19 individual who is not a member of the organization to make
20 contributions or expenditures to influence an election or to operate
21 a political committee, unless affirmatively authorized by the
22 individual.

23 NEW SECTION. **Sec. 17.** SOLICITATION FOR ENDORSEMENT FEES. A
24 person or entity may not solicit from a candidate, committee,
25 political party, or other person or entity money or other property
26 as a condition or consideration for an endorsement, article, or
27 other communication in the news media promoting or opposing a
28 candidate, committee, or political party.

29 NEW SECTION. **Sec. 18.** REIMBURSEMENT FOR CONTRIBUTIONS. A
30 person or entity may not, directly or indirectly, reimburse another
31 person or entity for a contribution to a candidate, committee, or

1 political party.

2 NEW SECTION. **Sec. 19.** PROHIBITION ON USE OF CONTRIBUTIONS FOR
3 A DIFFERENT OFFICE. (1) Except as provided in subsection (2) of
4 this section, a candidate committee may not use or permit the use of
5 contributions solicited for or received by the candidate committee
6 to further the candidacy of the individual for an office other than
7 the office designated on the statement of organization. A
8 contribution solicited for or received on behalf of the candidate is
9 considered solicited or received for the candidacy for which the
10 individual is then a candidate if the contribution is solicited or
11 received before the general elections for which the candidate is a
12 nominee or is unopposed.

13 (2) With the written approval of the contributor, a candidate
14 committee may use or permit the use of contributions solicited for
15 or received by the candidate committee from that contributor to
16 further the candidacy of the individual for an office other than the
17 office designated on the statement of organization.

18 **Sec. 20.** TRANSFER OF FUNDS--USE OF FUNDS FOR OTHER OFFICE
19 ELIMINATED. RCW 42.17.095 and 1982 c 147 s 8 are each amended to
20 read as follows:

21 The surplus funds of a candidate, or of a political committee
22 supporting or opposing a candidate, may only be disposed of in any
23 one or more of the following ways:

24 (1) Return the surplus to a contributor in an amount not to
25 exceed that contributor's original contribution;

26 (2) Transfer the surplus to the candidate's personal account as
27 reimbursement for lost earnings incurred as a result of that
28 candidate's election campaign. Such lost earnings shall be
29 verifiable as unpaid salary or, when the candidate is not salaried,
30 as an amount not to exceed income received by the candidate for
31 services rendered during an appropriate, corresponding time period.
32 All lost earnings incurred shall be documented and a record thereof
33 shall be maintained by the candidate or the candidate's political

83

1 committee. The committee shall include a copy of such record when
2 its expenditure for such reimbursement is reported pursuant to RCW
3 42.17.090;

4 (3) Transfer the surplus to (~~one or more candidates or to~~) a
5 political (~~committee or~~) party or to a caucus of the state
6 legislature;

7 (4) Donate the surplus to a charitable organization registered
8 in accordance with chapter 19.09 RCW;

9 (5) Transmit the surplus to the state treasurer for deposit in
10 the general fund; or

11 (6) Hold the surplus in the campaign depository or depositories
12 designated in accordance with RCW 42.17.050 for possible use in a
13 future election campaign(~~, for political activity, for community~~
14 ~~activity, or for nonreimbursed public office related expenses~~) for
15 the same office last sought by the candidate and report any such
16 disposition in accordance with RCW 42.17.090: PROVIDED, That if the
17 candidate subsequently announces or publicly files for office,
18 information as appropriate is reported to the commission in
19 accordance with RCW 42.17.040 through 42.17.090. If a subsequent
20 office is not sought the surplus held shall be disposed of in
21 accordance with the requirements of this section.

22 (7) No candidate or authorized committee may transfer funds to
23 any other candidate or other political committee.

24 **Sec. 21.** CANDIDATE PERSONAL FUND LOANS LIMITED. RCW 42.17.125
25 and 1989 c 280 s 12 are each amended to read as follows:

26 Contributions received and reported in accordance with RCW
27 42.17.060 through 42.17.090 may only be transferred to the personal
28 account of a candidate, or of a treasurer or other individual or
29 expended for such individual's personal use under the following
30 circumstances:

31 (1) Reimbursement for or loans to cover lost earnings incurred
32 as a result of campaigning or services performed for the committee.
33 Such lost earnings shall be verifiable as unpaid salary, or when the
34 individual is not salaried, as an amount not to exceed income

84

1 received by the individual for services rendered during an
2 appropriate, corresponding time period. All lost earnings incurred
3 shall be documented and a record thereof shall be maintained by the
4 individual or the individual's political committee. The committee
5 shall include a copy of such record when its expenditure for such
6 reimbursement is reported pursuant to RCW 42.17.090.

7 (2) Reimbursement for direct out-of-pocket election campaign
8 and postelection campaign related expenses made by the individual.
9 To receive reimbursement from the political committee, the
10 individual shall provide the committee with written documentation as
11 to the amount, date, and description of each expense, and the
12 committee shall include a copy of such information when its
13 expenditure for such reimbursement is reported pursuant to RCW
14 42.17.090.

15 (3) Repayment of loans made by the individual to political
16 committees, which repayment shall be reported pursuant to RCW
17 42.17.090. However, contributions may not be used to reimburse a
18 candidate for loans totaling more than three thousand dollars made
19 by the candidate to the candidate's own authorized committee or
20 campaign.

21 PART IV

22 INDEPENDENT EXPENDITURES

23 **Sec. 22.** INDEPENDENT EXPENDITURE ADVERTISING DISCLOSURE. RCW
24 42.17.510 and 1984 c 216 s 1 are each amended to read as follows:

25 (1) All written political advertising, whether relating to
26 candidates or ballot propositions, shall include the sponsor's name
27 and address. All radio and television political advertising,
28 whether relating to candidates or ballot propositions, shall include
29 the sponsor's name. The use of an assumed name shall be unlawful.
30 The party with which a candidate files shall be clearly identified
31 in political advertising for partisan office.

32 (2) In addition to the materials required by subsection (1) of
33 this section, all political advertising undertaken as an independent

1 expenditure by a person or entity other than a party organization
2 must include the following statement on the communication "NOTICE TO
3 VOTERS (Required by law): This advertisement is not authorized or
4 approved by any candidate. It is paid for by (name, address, city,
5 state)." If the advertisement is undertaken by a nonindividual,
6 then the following notation must also be included: "Top Five
7 Contributors," followed by a listing of the names of the five
8 persons or entities making the largest contributions reportable
9 under this chapter during the twelve-month period before the date of
10 the advertisement.

11 (3) The statements and listings of contributors required by
12 subsections (1) and (2) of this section shall:

13 (a) Appear on each page or fold of the written communication in
14 at least ten-point type, or in type at least ten percent of the
15 largest size type used in a written communication directed at more
16 than one voter, such as a billboard or poster, whichever is larger;

17 (b) Not be subject to the half-tone or screening process;

18 (c) Be in a printed or drawn box set apart from any other
19 printed matter; and

20 (d) Be clearly spoken on any broadcast advertisement.

21 (4) Political yard signs are exempt from the requirement of
22 subsections (1) and (2) of this section that the name and address of
23 the sponsor of political advertising be listed on the advertising.
24 In addition, the public disclosure commission shall, by rule, exempt
25 from the identification requirements of subsections (1) and (2) of
26 this section forms of political advertising such as campaign
27 buttons, balloons, pens, pencils, sky-writing, inscriptions, and
28 other forms of advertising where identification is impractical.

29 ((+3+)) (5) For the purposes of this section, "yard sign" means
30 any outdoor sign with dimensions no greater than eight feet by four
31 feet.

32 NEW SECTION. Sec. 23. INDEPENDENT EXPENDITURE DISCLOSURE. A
33 person or entity other than a party organization making an
34 independent expenditure by mailing one thousand or more identical or

1 nearly identical cumulative pieces of political advertising in a
2 single calendar year shall, within two working days after the date
3 of the mailing, file a statement disclosing the number of pieces in
4 the mailing and an example of the mailed political advertising with
5 the election officer of the county or residence for the candidate
6 supported or opposed by the independent campaign expenditure or, in
7 the case of an expenditure made in support of or in opposition to a
8 ballot proposition, the county of residence for the person making
9 the expenditure.

10 **PART V**

11 **USE OF PUBLIC FUNDS OR OFFICE FOR POLITICAL PURPOSES**

12 NEW SECTION. **Sec. 24.** Public funds, whether derived through
13 taxes, fees, penalties, or any other sources, shall not be used to
14 finance political campaigns for state or local office.

15 NEW SECTION. **Sec. 25. FRANKING PRIVILEGE LIMITED.** During the
16 twelve-month period preceding the expiration of a state legislator's
17 term in office, no incumbent to that office may mail to a
18 constituent at public expense a letter, newsletter, brochure, or
19 other piece of literature that is not in direct response to that
20 constituent's request for a response or for information. However,
21 one mailing mailed within thirty days after the start of a regular
22 legislative session and one mailing mailed within sixty days after
23 the end of a regular legislative session of identical newsletters to
24 constituents are permitted. A violation of this section constitutes
25 use of the facilities of a public office for the purpose of
26 assisting a campaign under RCW 42.17.130.

27 The house of representatives and senate shall specifically
28 limit expenditures per member for the total cost of mailings,
29 including but not limited to production costs, printing costs, and
30 postage.

31 **Sec. 26. STATE PAYROLL POLITICAL CHECK-OFF ELIMINATED.** RCW

1 41.04.230 and 1988 c 107 s 19 are each amended to read as follows:

2 Any official of the state authorized to disburse funds in
3 payment of salaries and wages of public officers or employees is
4 authorized, upon written request of the officer or employee, to
5 deduct from the salaries or wages of the officers or employees, the
6 amount or amounts of subscription payments, premiums, contributions,
7 or continuation thereof, for payment of the following:

8 (1) Credit union deductions: PROVIDED, That the credit union
9 is organized solely for public employees: AND PROVIDED FURTHER,
10 That twenty-five or more employees of a single state agency or a
11 total of one hundred or more state employees of several agencies
12 have authorized such a deduction for payment to the same credit
13 union.

14 (2) Parking fee deductions: PROVIDED, That payment is made for
15 parking facilities furnished by the agency or by the department of
16 general administration.

17 (3) U.S. savings bond deductions: PROVIDED, That a person
18 within the particular agency shall be appointed to act as trustee.
19 The trustee will receive all contributions; purchase and deliver all
20 bond certificates; and keep such records and furnish such bond or
21 security as will render full accountability for all bond
22 contributions.

23 (4) Board, lodging or uniform deductions when such board,
24 lodging and uniforms are furnished by the state, or deductions for
25 academic tuitions or fees or scholarship contributions payable to
26 the employing institution.

27 (5) Dues and other fees deductions: PROVIDED, That the
28 deduction is for payment of membership dues to any professional
29 organization formed primarily for public employees or college and
30 university professors: AND PROVIDED, FURTHER, That twenty-five or
31 more employees of a single state agency, or a total of one hundred
32 or more state employees of several agencies have authorized such a
33 deduction for payment to the same professional organization.

34 (6) Labor or employee organization dues may be deducted in the
35 event that a payroll deduction is not provided under a collective

88

1 bargaining agreement under the provisions of RCW 41.06.150:
2 PROVIDED, That twenty-five or more officers or employees of a single
3 agency, or a total of one hundred or more officers or employees of
4 several agencies have authorized such a deduction for payment to the
5 same labor or employee organization: PROVIDED, FURTHER, That labor
6 or employee organizations with five hundred or more members in state
7 government may have payroll deduction for employee benefit programs.

8 (7) (~~Voluntary deductions for political committees duly~~
9 ~~registered with the public disclosure commission and/or the federal~~
10 ~~election commission: PROVIDED, That twenty five or more officers or~~
11 ~~employees of a single agency or a total of one hundred or more~~
12 ~~officers or employees of several agencies have authorized such a~~
13 ~~deduction for payment to the same political committee.~~

14 (8)) Insurance contributions to the authority for payment of
15 premiums under contracts authorized by the state health care
16 authority.

17 Deductions from salaries and wages of public officers and
18 employees other than those enumerated in this section or by other
19 law, may be authorized by the director of financial management for
20 purposes clearly related to state employment or goals and objectives
21 of the agency and for plans authorized by the state health care
22 authority.

23 The authority to make deductions from the salaries and wages of
24 public officers and employees as provided for in this section shall
25 be in addition to such other authority as may be provided by law:
26 PROVIDED, That the state or any department, division, or separate
27 agency of the state shall not be liable to any insurance carrier or
28 contractor for the failure to make or transmit any such deduction.

29 PART VI

30 POLITICAL EXPENDITURE AND CONTRIBUTION REPORTING

31 Sec. 27. INDEPENDENT EXPENDITURE ANNUAL REPORTING. RCW
32 42.17.180 and 1990 c 139 s 4 are each amended to read as follows:

33 (1) Every employer of a lobbyist registered under this chapter

1 during the preceding calendar year and every person other than an
2 individual that made contributions aggregating to more than ten
3 thousand dollars or independent expenditures aggregating to more
4 than five hundred dollars during the preceding calendar year shall
5 file with the commission on or before (~~March 31st~~) the last day of
6 February of each year a statement disclosing for the preceding
7 calendar year the following information:

8 (a) The name of each state elected official and the name of
9 each candidate for state office who was elected to the office and
10 any member of the immediate family of those persons to whom the
11 (~~employer~~) person reporting has paid any compensation in the
12 amount of five hundred dollars or more during the preceding calendar
13 year for personal employment or professional services, including
14 professional services rendered by a corporation, partnership, joint
15 venture, association, union, or other entity in which the person
16 holds any office, directorship, or any general partnership interest,
17 or an ownership interest of ten percent or more, the value of the
18 compensation in accordance with the reporting provisions set out in
19 RCW 42.17.241(2), and the consideration given or performed in
20 exchange for the compensation.

21 (b) The name of each state elected official, successful
22 candidate for state office, or members of his immediate family to
23 whom the (~~lobbyist-employer~~) person reporting made expenditures,
24 directly or indirectly, either through a lobbyist or otherwise, the
25 amount of the expenditures and the purpose for the expenditures.
26 For the purposes of this subsection, the term expenditure shall not
27 include any expenditure made by the employer in the ordinary course
28 of business if the expenditure is not made for the purpose of
29 influencing, honoring, or benefiting the elected official,
30 successful candidate, or member of his immediate family, as an
31 elected official or candidate.

32 (c) The total expenditures made by the (~~employer~~) person
33 reporting for lobbying purposes, whether through or on behalf of a
34 registered lobbyist or otherwise.

35 (d) All contributions made to a (~~candidate for state office,~~

1 ~~to a~~) political committee supporting or opposing a candidate for
2 state office, or to a political committee supporting or opposing a
3 state-wide ballot proposition. Such contributions shall be
4 identified by the name and the address of the recipient and the
5 aggregate amount contributed to each such recipient.

6 (e) The name and address of each registered lobbyist employed
7 by the ~~((employer))~~ person reporting and the total expenditures made
8 by ~~((the employer))~~ such person for each such lobbyist for lobbying
9 purposes.

10 (f) The names, offices sought, and party affiliations of
11 candidates for state offices supported or opposed by independent
12 expenditures of the person reporting and the amount of each such
13 expenditure.

14 (g) The identifying proposition number and a brief description
15 of any state-wide ballot proposition supported or opposed by
16 expenditures not reported under (d) of this subsection and the
17 amount of each such expenditure.

18 (h) Such other information as the commission prescribes by
19 rule.

20 (2)(a) Except as provided in (b) of this subsection, an
21 employer of a lobbyist registered under this chapter shall file a
22 special report with the commission if the employer makes a
23 contribution or contributions aggregating more than one hundred
24 dollars in a calendar month to any one of the following: A
25 candidate, elected official, officer or employee of an agency, or
26 political committee. The report shall identify the date and amount
27 of each such contribution and the name of the candidate, elected
28 official, agency officer or employee, or political committee
29 receiving the contribution or to be benefited by the contribution.
30 The report shall be filed on a form prescribed by the commission and
31 shall be filed within fifteen days after the last day of the
32 calendar month during which the contribution was made.

33 (b) The provisions of (a) of this subsection do not apply to a
34 contribution which is made through a registered lobbyist and
35 reportable under RCW 42.17.170.

PART VII

PENALTIES

Sec. 28. PENALTIES. RCW 42.17.390 and 1973 c 1 s 39 are each amended to read as follows:

((+1)) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

((a)) (1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

((b)) (2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

((+e)) (3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates section 4 of this act may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

~~((d))~~ (4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

~~((e))~~ (5) Any person who fails to report a contribution or

92

1 expenditure may be subject to a civil penalty equivalent to the
2 amount he failed to report.

3 ((-f-)) (6) The court may enjoin any person to prevent the
4 doing of any act herein prohibited, or to compel the performance of
5 any act required herein.

6 **PART VIII**

7 **PUBLIC DISCLOSURE COMMISSION**

8 NEW SECTION. **Sec. 29.** COMMISSION AUDITS. The commission
9 shall conduct a sufficient number of audits and field investigations
10 so as to provide a statistically valid finding regarding the degree
11 of compliance with the provisions of this chapter by all required
12 filers.

13 **PART IX**

14 **GIFTS**

15 NEW SECTION. **Sec. 30.** DEFINITIONS. Unless the context
16 clearly requires otherwise, the definitions in this section apply
17 throughout this chapter.

18 (1) "Benefit" means a commercial, proprietary, financial,
19 economic, or monetary advantage, or the avoidance of a commercial,
20 proprietary, financial, economic, or monetary disadvantage.

21 (2) "Gift" means a rendering of money, property, services,
22 discount, loan forgiveness, payment of indebtedness, reimbursements
23 from or payments by persons, other than the state of Washington or
24 an agency or political subdivision thereof, for travel or anything
25 else of value in excess of fifty dollars in return for which legal
26 consideration of equal or greater value is not given and received
27 but does not include:

28 (a) A contribution that is required to be reported under RCW
29 42.17.090 or 42.17.243;

30 (b) Informational material that is transferred for the purpose
31 of informing the recipient about matters pertaining to official

1 agency business, and that is not intended to financially benefit
2 that recipient;

3 (c) A symbolic presentation that is not intended to financially
4 benefit the recipient;

5 (d) An honorarium that is required to be reported under this
6 chapter;

7 (e) Hosting in the form of entertainment, meals, or
8 refreshments, the value of which does not exceed fifty dollars,
9 furnished in connection with official appearances, official
10 ceremonies, and occasions where official agency business is
11 discussed;

12 (f) Gifts that are not used and that, within thirty days after
13 receipt, are returned to the donor or delivered to a charitable
14 organization without being claimed as a charitable contribution for
15 tax purposes;

16 (g) Intrafamily gifts; or

17 (h) Gifts received in the normal course of private business or
18 social interaction that are not related to public policy decisions
19 or agency actions.

20 **Sec. 31. PUBLIC OFFICIAL ANNUAL REPORTING OF "GIFTS."** RCW
21 42.17.240 and 1989 c 158 s 1 are each amended to read as follows:

22 (1) Every elected official and every executive state officer
23 shall after January 1st and before April 15th of each year file with
24 the commission a statement of financial affairs for the preceding
25 calendar year. However, any local elected official whose term of
26 office expires immediately after December 31st shall file the
27 statement required to be filed by this section for the year that
28 ended on that December 31st. In addition to and in conjunction with
29 the statement of financial affairs, every official and officer shall
30 file a statement describing any gifts received during the preceding
31 calendar year.

32 (2) Every candidate shall within two weeks of becoming a
33 candidate file with the commission a statement of financial affairs
34 for the preceding twelve months.

94

1 (3) Every person appointed to a vacancy in an elective office
2 or executive state officer position shall within two weeks of being
3 so appointed file with the commission a statement of financial
4 affairs for the preceding twelve months.

5 (4) A statement of a candidate or appointee filed during the
6 period from January 1st to April 15th shall cover the period from
7 January 1st of the preceding calendar year to the time of candidacy
8 or appointment if the filing of the statement would relieve the
9 individual of a prior obligation to file a statement covering the
10 entire preceding calendar year.

11 (5) No individual may be required to file more than once in any
12 calendar year.

13 (6) Each statement of financial affairs filed under this
14 section shall be sworn as to its truth and accuracy.

15 (7) For the purposes of this section, the term "executive state
16 officer" includes those listed in RCW 42.17.2401.

17 (8) This section does not apply to incumbents or candidates for
18 a federal office or the office of precinct committee officer.

19 NEW SECTION. **Sec. 32.** LOBBYIST NOTIFICATION OF GIFTS. When
20 a listing or a report of contributions is made to the commission
21 under RCW 42.17.170(2)(c), a copy of the listing or report must be
22 given to the candidate, elected official, professional staff member
23 of the legislature, or officer or employee of an agency, or a
24 political committee supporting or opposing a ballot proposition
25 named in the listing or report.

26 **PART X**
27 **MISCELLANEOUS**

28 NEW SECTION. **Sec. 33.** CODIFICATION DIRECTIONS. (1) Sections
29 1 through 19 of this act are each added to chapter 42.17 RCW as a
30 subchapter and codified with the subchapter heading of "CAMPAIGN
31 CONTRIBUTION LIMITATIONS."

32 (2) Sections 23 through 25, 29, 30, and 32 of this act are each

95

1 added to chapter 42.17 RCW.

2 NEW SECTION. **Sec. 34.** CAPTIONS. Section captions and part
3 headings used in this act do not constitute any part of the law.

4 NEW SECTION. **Sec. 35.** REPEALER. RCW 42.17.243 and 1977 ex.s.
5 c 336 s 5 are each repealed.

6 NEW SECTION. **Sec. 36.** SHORT TITLE. This act may be known and
7 cited as the Fair Campaign Practices Act.

Originally filed in Office of Secretary of State June 12, 1991.
Approved by the People of the State of Washington in the
General Election on November 3, 1992.

96

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278

60th Legislature
2008 Regular Session

Passed by the Senate February 13, 2008
YEAS 29 NAYS 20

President of the Senate

Passed by the House March 4, 2008
YEAS 51 NAYS 43

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5278

Passed Legislature - 2008 Regular Session

State of Washington

60th Legislature

2008 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators Franklin, Kastama, Kline, Spanel, Keiser, Kohl-Welles, McAuliffe, Regala, Pridemore, Poulsen, Fraser, Rasmussen, and Rockefeller)

READ FIRST TIME 01/22/08.

1 AN ACT Relating to use of public funds for political purposes; and
2 amending RCW 42.17.128.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
5 as follows:

6 Public funds, whether derived through taxes, fees, penalties, or
7 any other sources, shall not be used to finance political campaigns for
8 state ((or local)) or school district office. A county, city, town, or
9 district that establishes a program to publicly finance local political
10 campaigns may only use funds derived from local sources to fund the
11 program. A local government must submit any proposal for public
12 financing of local political campaigns to voters for their adoption and
13 approval or rejection.

--- END ---



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 12, 2008

Motion 12734

Proposed No. 2007-0430.3

Sponsors Ferguson, Constantine and Phillips

1 A MOTION expressing the intent of the council to research
2 the subject of campaign financing.
3

4 WHEREAS, increasing amounts of money are being spent nationwide each year
5 on election campaigns, and

6 WHEREAS, many elected officials and candidates for elective office are
7 therefore finding it necessary to spend increasing amounts of time on fundraising and less
8 time interacting with voters and engaging in a vigorous public debate about the issues of
9 the day, and

10 WHEREAS, the increasing dependence of election campaigns on large financial
11 contributions has reduced public trust in government by, at a minimum, creating the
12 perception that wealthier citizens and groups hold a disproportionate influence over
13 elected officials and candidates for office and, therefore, on public policy, and

14 WHEREAS, the current campaign finance system discourages competition for
15 office by providing an advantage to incumbents and experienced fundraisers, and

16 WHEREAS, the current campaign finance system thereby presents ongoing
17 barriers to effective political participation by those who lack significant disposable
18 income or the ability to raise large sums of money, and

19 WHEREAS, public financing would recast the political campaign as a debate
20 about ideas and experience rather than fundraising ability, and

21 WHEREAS, public financing would promote broader participation in civic life by
22 reducing the barriers to running for public office or meaningfully participating in politics,
23 and

24 WHEREAS, public financing would not infringe upon the First Amendment
25 protection of free speech because acceptance of public funds would be voluntary and
26 candidates could choose not to receive public funds, and

27 WHEREAS, seven states and two major cities have instituted systems for public
28 financing of some of their elections, and

29 WHEREAS, bills have been introduced in the United States House of
30 Representatives and the United States Senate to provide full public financing for
31 congressional elections;

32 NOW, THEREFORE, BE IT MOVED by the Council of King County:

33 The council intends to conduct research on the following subjects and to report
34 the results of its research by May 12, 2008:

- 35 A. Review of existing local law pertaining to campaign financing;
- 36 B. Review of trends in the cost of campaigns for elective local offices;
- 37 C. Options for updating local law, including, but not limited to, significantly
38 lowering maximum contribution limits and exploring public financing and matching

39 funds, with a view toward the experience of other jurisdictions that have implemented
40 public financing for campaigns;

41 D. Review of lessons learned in the seven states and two cities where public
42 campaign financing has been implemented, including identifying any potential obstacles
43 and impediments to implementation of public financing of campaigns.

44 E. The history of public financing in Seattle and King County prior to 1993;

45 F. Estimates of the costs associated with such updates, including implementation

Motion 12734

46 and oversight of public campaign financing; and

47 G. Options for funding those costs.

48

Motion 12734 was introduced on 8/20/2007 and passed as amended by the Metropolitan King County Council on 4/14/2008, by the following vote:

Yes: 5 - Ms. Patterson, Mr. Constantine, Mr. Ferguson, Mr. Gossett and Mr. Phillips

No: 4 - Mr. Dunn, Ms. Lambert, Mr. von Reichbauer and Ms. Hague

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

Attachments None

**KING COUNTY**

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report**May 12, 2008****Ordinance****Proposed No.** 2008-0147.1**Sponsors** Phillips

1 AN ORDINANCE establishing November 4, 2008, as the
2 date for an election on the question of using local public
3 matching funds to finance the campaigns for the offices of
4 the King County executive, prosecutor, sheriff, assessor,
5 county council, district court judges and superior court
6 judges.

STATEMENT OF FACTS:

8
9 1. Nearly twenty years ago, King County voters approved a charter
10 amendment to implement an innovative program that matched private
11 campaign funds with public money, when candidates agreed to limit
12 campaign spending, in order to reduce the influence of special interests in
13 elections.

14 2. Subsequent changes in state law eliminated local programs that
15 provided public funding for political campaigns of elected offices.

16 3. RCW 42.17.128, amended in the 2008 legislative session, provides that
17 "A county, city, town, or district that establishes a program to publicly

18 finance local political campaigns may only use funds derived from local
19 sources to fund the program."

20 4. RCW 42.17.128 provides further that "A local government must submit
21 any proposal for public financing of local political campaigns to voters for
22 their adoption and approval or rejection."

23 5. It is in the public interest to encourage the widest participation of the
24 public in the electoral process and to reduce the dependence of candidates
25 on large contributions.

26 6. Public matching funds for campaign purposes are necessary for
27 voluntary expenditure limitations to be successful and voluntary programs
28 are the only limitations constitutionally permissible.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. There shall be submitted to the qualified voters of King County the
31 proposition as set forth in section 1 of this ordinance. The clerk of the council is hereby
32 authorized and directed to transmit the proposition to the manager of the elections
33 division in substantially the following form, with such additions, deletions or
34 modifications in the ballot title as may be required for the proposition described in
35 sections 2 through 11 of this ordinance below by the King County prosecutor:

36 PROPOSITION 1: The King County Council has passed Ordinance No. _____
37 concerning the use of public matching funds to finance local campaigns. If this
38 proposition is approved, local public matching funds will be available to candidates for
39 local elective office who have met specific requirements and signed a contract agreeing

Ordinance

to limitations on candidate contributions, expenditures and use of contributions, all as further described in Ordinance No. _____. Should this proposition be approved?

YES []

NO []

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. Effective with elections for county offices in 2009, a candidate for executive, prosecutor, sheriff, assessor, county council, district court judge and superior court judge may sign a contract with the county agreeing to abide by limitations on candidates' contributions, limitations on campaign expenditures and limitations on the use of all contributions as specified in this chapter in exchange for local public matching funds.

B. The campaign contract must be signed by the individual candidate either within thirty days after the individual becomes a candidate as defined in R.C.W. 42.17.020, or at the time of filing for office, whichever is earlier.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A candidate who signs a campaign contract shall make no contribution to the candidate's own campaign or political committee that in the aggregate exceeds ten percent of the applicable expenditure limit in any election cycle.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. A candidate for county council who signs a campaign contract in accordance with section 3 of this ordinance shall not, during the election cycle, make expenditures

63 exceeding the aggregate amount of the annual salary of the office that the candidate is
64 seeking, calculated for the year of the election.

65 B. A candidate for executive, prosecutor, sheriff, assessor, district court judge,
66 superior court judge and any other elective county office designated by the county
67 council by ordinance who signs a campaign contract in accordance with section 3 of this
68 ordinance shall not, during the election cycle, make expenditures exceeding three times
69 the aggregate amount of the annual salary of the office which the candidate is seeking.

70 C. Independent expenditures, as defined by this chapter, shall not be included in
71 the computation of a candidate's expenditures.

72 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter 1.05 a
73 new section to read as follows:

74 A. To be eligible to receive local public matching funds, a candidate for
75 executive, prosecutor, sheriff, assessor, county council, district court judge and superior
76 court judge must meet the legal requirements of the office as established by statute or the
77 county charter and:

78 1. For the offices of executive, prosecutor, sheriff, district court judge and
79 superior court judge:

80 a. Receive five hundred contributions of ten dollars or more during the
81 campaign cycle, and

82 b. be opposed by a candidate who has qualified for local public
83 matching funds or who has raised, spent or has cash on hand of forty-five thousand
84 dollars or more; or

85 2. For the office of county council:

86 a. receive two hundred contributions of ten dollars or more during the
87 campaign cycle; and

88 b. be opposed by a candidate who has qualified for local public
89 matching funds or who has raised, spent or has cash on hand of ten thousand dollars or
90 more.

91 B. For the purposes of establishing eligibility under this section, only those
92 contributions received from residents of King County shall be counted toward the
93 requirement.

94 C. Candidates must submit evidence of meeting the eligibility requirements of
95 this section to the manager of the elections division for verification. Upon verification of
96 eligibility, a candidate who has signed a campaign contract shall be eligible to receive
97 local public matching funds: provided that any candidate who receives local public
98 matching funds and later fails to file for public office or withdraws his or her candidacy
99 after filing, shall return to the appropriate county account and all unexpended campaign
100 funds up to the amount of the matching public funds disbursed to that candidate.

101 SECTION 6. There is hereby added to K.C.C. chapter 1.05 a new section to read
102 as follows:

103 A. Effective with the elections for county offices in 2009, a candidate who met
104 the eligibility requirements for local public matching funds and who signed a campaign
105 contract shall be entitled to receive one dollar in local public matching funds for every
106 one dollar received from any resident of King County during the campaign cycle to a
107 maximum public match of fifty dollars per individual contributor. Neither loans nor the

transfers of anything of value other than money to the candidate or the candidate's other political committee shall be matched with local public funds.

B. A candidate who signs a contract and who otherwise is eligible to receive local public matching funds shall be eligible until it is determined that the candidate has no opponent at the close of the filing period until or after the primary election as provided by law. For purposes of this section, a write-in candidate is not considered an opponent.

C. If, following the election wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-half of the surplus funds but not exceeding the amount of local public matching funds received, shall be returned to the appropriate county account within ten days of certification of the election.

D. A candidate who signed a campaign contract may void the candidate's contract within fifteen days after the close of filing, but only if:

1. An opponent of that candidate does not enter into a campaign contract in under this chapter; and

2. The candidate returns all local public matching funds received in accordance with this chapter.

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 1.05 a new section to read as follows:

A. There is hereby established in the county treasury a campaign matching fund account into which shall be deposited whatever sums the county may receive or allocate from time to time or during the annual budget process for campaign matching purposes.

B. Candidates entitled to local public matching funds shall be paid upon submission of vouchers which shall be approved by the manager of the elections division.

131 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 1.05 a
132 new section to read as follows:

133 Local public matching funds may be expended only for the receiving candidate's
134 direct campaign purposes including but not limited to, purchasing campaign literature or
135 media space or time, mailings, renting campaign headquarters, or paying for campaign
136 headquarters' telephones. All use of local public matching funds for advertising
137 expenditures including the costs of production, distribution and purchase of media space
138 or air time, shall meet the requirements of the fair advertising definition. A candidate who
139 signs a campaign contract may not use matching funds for indirect campaign purposes
140 such as, but not limited to, providing a candidate's personal support or for donation to
141 another's campaign. Permissibility of an expenditure of local public matching funds shall
142 be determined by the director of the manager of the elections division.

143 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 1.05 a
144 new section to read as follows:

145 If the manager of the elections division is a candidate for elective county office
146 and if this chapter applies to candidates for that elective county office, with respect to that
147 candidate, all submissions required by this chapter to be made to the manager of the
148 elections division shall be made to the director of the department of executive services
149 and all verifications, approvals and determinations required by this chapter to be made by
150 the manager of the elections division shall be made by the director of the department of
151 executive services.

152 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 1.05 a
153 new section to read as follows:

Ordinance

154 The county may adopt an ordinance making this chapter applicable to any county
155 elected office.

156 SECTION 11. Severability. If any provision of this ordinance or its application
157 to any person or circumstance is held invalid, the remainder of the ordinance or the
158 application of the provision to other persons or circumstances is not affected.

159

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, ____.

Attachments None